

DEANNA L. KWONG (SBN 233480)  
COVINGTON & BURLING LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065  
Tel. (650) 632-4700  
Fax (650) 632-4800  
dkwong@cov.com

TESS A. HAMILTON (SBN 279738)  
COVINGTON & BURLING LLP  
One Front Street, 35th Floor  
San Francisco, California 94111  
Tel. (415) 591-6000  
Fax. (415) 591-6091  
tahamilton@cov.com

*Attorneys for Plaintiff*  
**REYNALDO AYALA**

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

REYNALDO AYALA,

Plaintiff,

v.

ROBERT AYERS, JR., et al.,

Defendants.

Case No.: C 10-0979 JSW (PR)

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING  
PLAINTIFF'S FILING OF FIRST  
AMENDED COMPLAINT**

1           This Stipulation and Proposed Order is entered into by and among the parties to  
2 the above-captioned action.

3           **WHEREAS**, on or about March 8, 2010, Plaintiff Reynaldo Ayala filed pro se a  
4 complaint in the United States District Court for the Northern District of California (Docket No.  
5 1);

6           **WHEREAS**, on April 13, 2012, the Court appointed pro bono counsel to  
7 represent Plaintiff (Docket No. 38);

8           **WHEREAS**, Plaintiff, through his recently appointed pro bono counsel, intends  
9 to file a first amended complaint and Defendants consent to that filing (*see* Docket No. 41 at 6);

10          **WHEREAS**, at the Initial Case Management Conference held on June 15, 2012,  
11 the Court ordered Plaintiff to prepare and file a stipulation and proposed order regarding the  
12 filing of a first amended complaint, in lieu of a motion for leave to amend the initial complaint;

13          The parties agree as follows and request that the Court enter an Order approving  
14 this Stipulation:

15          1.       Plaintiff in the above-captioned case shall file a first amended complaint on or  
16 before June 22, 2012.

17          2.       This Stipulation concerning the filing of a first amended complaint does not alter  
18 the July 27, 2012 deadline that the Court has established for Plaintiff to file a motion for leave to  
19 file a further amended complaint to add Nurse Edmonds as a defendant.

20          3.       Neither this Stipulation concerning the filing of a first amended complaint nor  
21 the July 27, 2012 deadline for any motion for leave to amend the complaint to add Nurse  
22 Edmonds shall foreclose Plaintiff from seeking leave to otherwise further amend the pleadings  
23 based on information obtained during discovery and his new counsel's investigation, which is  
24 ongoing. As set forth in the parties' June 8, 2012 Joint Case Management Statement and  
25 [Proposed] Order (Docket No. 41), the final deadline for any such further amendment of the  
26 pleadings shall be September 14, 2012, and any further amendment may be offered only upon a  
27 showing of good cause.

28       **IT IS SO STIPULATED.**

1 Dated: June 20, 2012

2 By: /s/ Deanna L. Kwong  
3 Deanna L. Kwong  
4 COVINGTON & BURLING LLP  
5 Attorneys for Plaintiff Reynaldo Ayala

6 Dated: June 20, 2012

7 By: /s/ Erin Sullivan  
8 Erin B. Sullivan  
9 Deputy Attorney General  
10 Attorney for Defendants Wagner, Schlosser,  
11 Hansen, Guthrie, and Faaita

12 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
13 the filing of this document has been obtained from all signatories.

14 **IT IS SO ORDERED.**

15 Dated: June 21, 2012

16 By:   
17 JEFFREY S. WHITE  
18 UNITED STATES DISTRICT COURT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28